

a plurality of perforations in said medium defining a first curved pattern of microperforations which includes a region defining a radius of curvature less than about 0.5 inches.

✓  
22. (Cancelled)

✓  
23. (Cancelled)

✓  
24. (Cancelled)

### **REMARKS/ARGUMENTS**

Claims 2-9, 15-19 and 21-24 were pending in this application at the time the present Office Action was mailed on October 23, 2002. Claims 22-24 have been cancelled. Accordingly, claims 2-9, 15-19 and 21 are currently pending in the application.

In the Office Action, claims 2-9, 15-19 and 21-24 were rejected. More specifically, the status of the claims in light of this Office Action is as follows:

(A) Claims 2-9 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,909,793 to Beach et al. ("Beach");

(B) Claims 21-24 were rejected under the judicially created doctrine of double-patenting over claims 1-7 of U.S. Patent No. 6,349,972 to Geiger et al. ("Geiger"); and

(C) Claims 22-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Response to the Section 103 Rejection of Claims 2-9 and 15-19

Claims 2-9 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beach. At the time the present invention was made, the subject matter of Beach and the claimed invention were owned by the same person or were subject to an obligation of assignment to the same person. Therefore, in accordance with 35 U.S.C. § 103(c), Beach is not available as a prior art reference in regard to the present application and cannot serve as a basis for rejection of the pending claims. Thus, the rejection of claims 2-9 and 15-19 should be withdrawn.

B. Response to the Double-Patenting Rejection of Claims 21-24

Claims 21-24 were rejected under the judicially created doctrine of double-patenting over claims 1-7 of Geiger. Geiger is commonly owned with the present application. Applicants disagree with the conclusion that claims 21-24 are obvious in view of Geiger. However, in the interest of advancing prosecution, applicants have enclosed a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome this rejection. Therefore, the rejection of claims 21-24 should be withdrawn.

C. Response to the Section 112, Second Paragraph, Rejection of Claims 22-24

Claims 22-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22-24 have been cancelled. Accordingly, the rejection of claims 22-24 is now moot.

In view of the foregoing, a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 264-6351.

Respectfully submitted,

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Date: November 22, 2002

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